

Response to Office Action dated 4/27/2005

#### REMARKS

The office action of April 27, 2005 has been reviewed and the examiner's latest comments have been carefully considered.

The examiner is thanked for the removal of ALL OF THE prior grounds of rejections that the applicant first addressed in response first office action of APRIL 23, 2003. After two years the examiner has now removed those grounds of rejections and issued new rejections based on two of the same previously applied referenced. The examiner has NOW cited U.S. Patent 6,095,375 and applied this for the first time against the claimed invention.

The claims have been amended in an attempt to more clearly define all of the claims over any of the prior art taken alone or in any reasonable combination, for the sole reason of expediting this application.

The newest reference to be applied is the '375 patent, which is clearly a push pull type closure. This closure includes a dust cover with an annular set of projections 98 engaging the tip. This construction teaches away from the radial projections of the present claimed invention. The claims clearly distinguish over this type of tip engaging member.

The difficulties with the '692 patent have been discussed at length in the prior response and appeal brief. Regardless, the '692 patent fails to teach or suggest the radial ribs extending from a shell engaging member on the top of the dust cover as defined in the claims. Finally the examiners suggested combination of prior art references is simply not based upon the fair reading of the underlying references taken as a whole. The examiner continues to try and find individual pieces of the invention somewhere in the prior art and use the claims as a blueprint for the reconstruction of the claimed invention. This is inappropriate.

Reconsideration of the claims as amended is respectfully requested. If there are reasonable claim changes or clarifications the examiner feels would place the application

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Robert J. Smith

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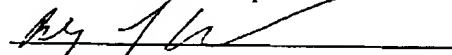
Amendment  
Erie - 20243

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in condition for allowance, the examiner is invited to contact the undersigned. The undersigned is anxious to avoid another successful appeal, if possible.

Respectfully Submitted;

The BLK LAW Group



Blynn L. Shideler, Reg. No. 35,034

3500 Brooktree Road - Suite 200

Wexford, Pennsylvania 15090

Tel (724)-934-5450 Fax (724) 934-5461

E-mail [Blynn@BLKLawGroup.com](mailto:Blynn@BLKLawGroup.com)